

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44345 of 2023

Arising Out of PS. Case No.-484 Year-2022 Thana- MANER District- Patna

CHANDAN KUMAR Son of Mangal Ray Resident of village - Narayanpur,
P.S. - Bihta, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Devi Wife of Rajkishore Prasad @ Rajdeo Ram Resident of village -
Balupur, Maner, P.S. - Maner, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-08-2023

1. Heard learned counsel for the parties.

2. The instant application has been filed praying for
cancellation of bail granted to the Opposite Party no.2 by this
Court vide order dated 17.5.2023 passed in Cr. Misc. no.21418
of 2023.

3. By order dated 17.5.2023 (Annexure-1) passed in
Cr. Misc. no.21418 of 2023, the Opposite Party no.2 Savita
Devi who happens to be the mother-in-law of the deceased was
granted bail in connection with Sessions Trial no.1523 of 2022
(arising out of Maner P.S. Case no.484 of 2022) registered under
sections 304B and 34 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that not



only the Opposite Party no.2 is named in the F.I.R. but there is direct allegation against her of having tortured and along with other persons having killed the deceased. It is further submitted that it was incorrectly stated in paragraph no.10 of the bail petition that the death was due to dehydration. From the contents of the post-mortem report as contained in Annexure-3, it would be evident that the cause of death was asphyxia due to strangulation. The Opposite Party no.2 in a bail petition has given incorrect description of her age which are different at three different places. It is lastly submitted that the application of bail of the father-in-law has been rejected.

5. Having heard learned counsel for the petitioner and learned APP appearing for the State and on perusal of the order dated 17.5.2023 granting bail to the Opposite Party no.2, it transpires that this Court taking into consideration the general and omnibus allegation against the Opposite Party no.2 who happens to be the mother-in-law of the deceased together with her being in custody for more than 10 months since 14.7.2022 granted bail to her. In the opinion of this Court, the above grounds taken by the Court in its order dated 17.5.2023 not having been contested by the petitioner herein as being incorrect or even inaccurate, the petitioner has not made out a case for



cancellation of bail granted to the Opposite Party no.2.

6. The application is rejected.

(Partha Sarthy, J)

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